IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 15328 of 2007(Y)

PETITIONER:

PRINCE ANTONY P., AGED 28,
S/O.ANTONY, PUNNELIPARAMBIL HOUSE,
THAZHEKKAD P.O., THRISSUR DISTRICT,
PIN-680 697.

BY ADV. SMT.P.V.KOCHUTHRESIA

RESPONDENTS:

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1. THE CHAIRMAN, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM.

2. THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM.

3. THE CONTROLLER OF EXAMINATIONS, PSC, PATTOM, THIRUVANANTHAPURAM.

BY SRI. P.C. SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 15328 OF 2007

Dated this the 23rd day of May, 2007

J U D G M E N T

In November 2005, the Kerala Public Service Commission had issued a notification inviting applications from eligible candidates for appointment to the post of Higher Secondary School Teacher (Zoology). Petitioner did not possess the requisite qualification to apply for the post at that time. It is conceded by the petitioner that he acquired the necessary qualification only on June 20, 2006, though the last date for receipt of applications in terms of the notification mentioned above, was December 12, 2005. It is on record that the written examination conducted by the Commission was cancelled because of certain defects noticed by the Commission. It is also beyond controversy that the Commission is about to conduct another written examination on the basis of the same notification.

2. The prayer made by the petitioner in this writ petition under Article 226 of the Constitution is "to issue an appropriate direction to respondents to issue a fresh notification calling for

applications from qualified candidates as on today and to conduct fresh examination in the place of the examination cancelled."

2. Having heard learned counsel for the petitioner and the learned Standing Counsel for the Commission, I do not find any merit in the above contention. As indicated earlier, petitioner was not qualified to apply for the post in question either on the date of the notification or on the last date prescribed therein. It is futile on the part of the petitioner to contend that the Commission has to be directed to issue fresh notification and to give him an opportunity to participate in the selection process. The Commission has already taken steps to conduct a fresh written test on the basis of the notification issued by it in November 2005. It will not be just or proper to issue a direction as prayed for by the petitioner in this writ petition.

The writ petition fails and it is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007